

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

File Name: 08a0037n.06

Filed: January 9, 2008

No. 07-5094

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

TRAVELERS PROPERTY CASUALTY)	
COMPANY OF AMERICA,)	
)	
Plaintiff-Appellee,)	
)	
v.)	ON APPEAL FROM THE UNITED
)	STATES DISTRICT COURT FOR THE
B & W RESOURCES, INC.; BEGLEY)	EASTERN DISTRICT OF KENTUCKY
PROPERTIES, LLC,)	
)	
Defendants-Appellants.	

Before: MERRITT, ROGERS, and McKEAGUE, Circuit Judges.

ROGERS, Circuit Judge. Defendants B & W Resources, Inc. and Begley Properties, LLC appeal the district court's grant of summary judgment in favor of plaintiff Travelers Property Casualty Company of America. B&W purchased an all-risk insurance policy from Travelers to insure a coal tipple. Thereafter, the tipple was destroyed when it collapsed onto a moving train. Travelers denied coverage and brought suit seeking a declaratory judgment that it owes no duty to provide coverage under the relevant policy. After reviewing the record, the parties' briefs, and the applicable law, and hearing oral argument, this court determines that no jurisprudential purpose would be served by a panel opinion and affirms the district court's decision for the reasons stated in Judge Caldwell's October 26, 2006 opinion and order. The district court properly granted

No. 07-5094

Travelers Prop. Cas. Co. of Am. v. B&W Res., Inc.

summary judgment in favor of Travelers. The judgment of the district court is therefore affirmed.